

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Police – Imposition of the penalty of 5% (five percent) cut in pension for a period of one year on Sri K.Daniel, S.I., West Godavari District and treating the desertion period as 'not on duty' – Orders – Issued.

HOME (SERVICES-II) DEPARTMENT

G.O.Rt.No. 1281

Dated:23 -05-2013.

Read the following:-

1. From the DGP, AP, Hyderabad, Lr.Rc.No.377/Appeal-3/2011, dated: 26-04-2011.
2. Govt. Memo.No.13741/Ser.II/A2/2011, dated:12-04-2012
3. Explanation of Sri K.Daniel, S.I., West Godavari District(Retd), Dated:04-07-2012.
4. Govt. Letter No.13741/Ser-II/A2/2011, dated:07-03-2013.
5. From the Secretary, APPSC, Hyderabad, Lr.No.631/RT/3/2013, dt.21-03-2013.

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ORDER:

In the letter 1st read above, the Director General of Police, A.P., Hyderabad in his letter cited has stated that Sri K.Danaiel, S.I. (now retired), West Godavari District, was dealt with O.E. for the following delinquency:-

“For misconduct in replacing the crime vehicle i.e. truck auto No.AP 37 W 195 with another one i.e., Auto A.P. 20 W 2150 in Cr.No.23/2007 u/s 304(a) IPC of Dharmajigudem PS after taking an illegal gratification of Rs.20,000/- from one Gajjala Nagendra Rao of Mudicharla (v) owner of crime vehicle truck auto bearing No.AP 37 W 195”.

“Misconduct in writing GD of P.S. only till 8.00 AM on 28-2-2007 by leaving 2 pages of the GD blank and later opening the GD on 1-3-2007 at 7.00 AM continuing to write the GD with a view to write the GD on 28-2-2007 at his own choice concealing the entire facts of accident and change of crime vehicle”.

2. The SDPO, Narasapuram, who was appointed as an Enquiry Officer to conduct the Oral Enquiry against the Charged Officer has held the charges as 'partly proved'. The D.I.G., Eluru Range has agreed with the minutes and a copy of the minutes was supplied to the Charge Officer. The Charged Officer has submitted his further representation. The D.I.G., Eluru Range after receiving the explanation from the Charged Officer and verified the charge, minutes and further explanation of the Charged Officer and the Judgment dated: 28-10-2009 in Cr.No.23/2007 u/s 304 (a) IPC of Dharmajigudem P.S., vide C.C.No. 68/2008 on the file of JFCM, Chintalapudi and ascertained the circumstances under which the allegations were leveled against the Charged Officer. The JFCM has discharged the Charged Officer, "as the Investigating Officer (C.I) did not file perfunctory investigation done by the Charged Officer and inquest proceedings were also held in respect of the crime vehicle AP 20W 2150 and as there was no prima facie case against the Charged Officer, that Court did not choose to take the case on file against the Charged Officer", PW-6 is the owner of the vehicle AP 20 W 2150 stated in the Court that his vehicle was involved in the accident and the driver is the accused in Cr.No.23/2007 u/s 304 (a) IPC of Dharmajigudem P.S. Hence, the accused was entitled to benefit of doubt and acquitted in this case. The only circumstances to say that the Charged Officer has changed the crime vehicle from AP 37 W 195 to AP 20 W 2150 in the statement of Medical Officer before the Enquiry Officer during the departmental proceedings, who issued MLC which is weak link of evidence as he is not direct witness to the occurrence as admitted by him in the Oral Enquiry. Except this there is no iota of evidence to say that the Charged Officer has changed the crime vehicle.

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Hence, the D.I.G., Eluru Range has stated that he disagree with the findings of the Enquiry Officer in holding the charge of perfunctory investigation and the charge as proved. The Hon'ble Court has rightly discharged the Charged Officer and found that he did not conduct perfunctory investigation.

3. The D.I.G., Eluru Range, Eluru has proposed to drop further action against the Charged Officer by treating the suspension period from 18-3-2007 to the date of joining duty on release from suspension, vide proceedings dated: 16-8-2007 as on duty. But, the Charged Officer retired from service on superannuation on 31-03-2009 and hence, the D.G.P. forwarded the PR to the Government for disposing it under Rule 9(2)(a) of Andhra Pradesh Revised Pension Rules, 1980.

4. Government, after examining the issue with reference to the records made available for consideration, have provisionally decided to withhold 5% of pension for a period of one year of Sri K.Daniel, Retired S.I., West Godavari District, under Rule 9 of A.P. Revised Pension Rules, 1980, for the charges held partly proved against him and also to treat his period of suspension as 'not on duty'. Accordingly a show cause notice was issued to the charged officer, vide Memo 2nd read above and he has submitted his explanation, vide representation 3rd read above. Government have examined the same and decided to confirm the provisional decision of 5% (five percent) cut in pension for one year against Sri K.Daniel, Retired S.I., West Godavari District, and the matter was referred to the A.P. Public Service Commission for its advice. The A.P. Public Service Commission, in the letter 5th read above, has agreed with the proposal of the Government. (copy enclosed).

5. Therefore, Government hereby withhold 5% (five percent) pension of Sri K.Daniel, Retired S.I., West Godavari District, for a period of one year and the period of suspension is treated as 'not on duty'.

6. The Director General of Police, A.P., Hyderabad, is requested to take follow up action in the matter accordingly. The records received through the letter 1st read above are returned herewith and receipt of the same should be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA RADESH)

**T.P.DAS
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Director General of Police, A.P., Hyderabad. (with records)

Copy to:- The individual concerned. (through the D.G.P., A.P., Hyderabad)
The Secretary, A.P. Public Service Commission, Hyderabad.

// FORWARDED :: BY ORDER //

SECTION OFFICER.